

## APPENDIX 6

Excerpts from Deposition of  
Mary Alice Cahir

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14:39

1 A. Yes.

2 Q. And could you identify it for the record.

14:39

3 A. It's a memo for Henry Roach, investigator,  
4 Miami resident office, from Robert Hayes, investigator,  
5 Nashville district office, concerning the American  
6 Arbitration Association telephone and Internet voting  
7 procedures, and it's dated April 16th, 2003.

8 Q. And among other people, you were copied on  
9 this -- this exhibit?

14:40

10 A. Yes.

11 Q. Exhibit 44?

12 A. Yes.

14:40

13 Q. Now, do you know how it is that the DOL was  
14 talking to AAA in 2003 about the electronic -- how  
15 did -- do you know how that came -- how that arose?

16 A. I think I do.

17 Q. Okay.

14:41

18 A. I believe, prior to this contact, we had a  
19 case involving the Miami domicile election of APA,  
20 Allied Pilots Association, and that Miami domicile  
21 election was conducted by AAA using telephone Internet  
22 voting.

23 Q. Okay.

24 A. That issue was not a part of the complaint  
25 that was before us. There were no allegations

14:41 1 concerning the voting procedures used in that election,  
2 but the investigator's antennae, I guess you would say,  
3 rose in connection with those procedures, and he  
4 wanted --

14:41 5 MS. PARKER: I'm actually going to have  
6 to stop the witness and maybe we need to go out and --  
7 and confer.

8 MR. HOFFMAN: Whatever you'd like.

9 THE WITNESS: Okay.

14:41 10 MR. HOFFMAN: I mean, it is in the middle  
11 of an answer, but I'm a -- I'm a decent guy. So -- go  
12 ahead.

13 (Off the record at 2:41 to 2:43.)

14 14:43 MR. HOFFMAN: Now, the pending question  
15 was: How is it that in 2003 that the Department of  
16 Labor was looking into the Internet/telephone voting  
17 system of the AAA. I don't know that the witness was  
18 filled -- finished with her answer.

19 A. Well, we had the Miami domicile election that  
20 didn't involve the procedures but had the procedures.  
21 Roach had some questions about them and asked for the  
22 person who was located near Mr. Ohmann to interview him  
23 about his procedures.

24 Q. (BY MR. HOFFMAN) Okay. I mean, clarify for  
25 me -- you said that the Miami domicile didn't have the

16:46 1 Q. (BY MS. PARKER) What makes the Department of  
2 Labor, in a general -- at a general level, decide to  
3 challenge an election versus not?

16:47 4 A. Okay. First we have to establish that there  
5 was a -- a violation of ballot secrecy. Then the  
6 presumption is that a violation of ballot secrecy may  
7 have affected the outcome of the election.

8 Now, through -- if through our  
9 investigation it's determined that the violations of  
10 ballot secrecy were identifiable and confinable and we  
11 can quantify and be confident in our quantification  
12 that the extent of the violation of ballot secrecy only  
13 may have affected so many votes and that number of  
14 votes is less than the vote margins, then in -- in that  
15 situation, where we can quantify and feel confident  
16 that the violations about secrecy were isolated and  
17 quantifiable, we may not seek to set aside an election  
18 because we don't have the second component of may have  
19 affected outcome.

16:48 20 Q. And the case at hand, the 2004 APA national  
21 election, was the department able to quantify the  
22 number of ballots that may have been -- where secrecy  
23 may have been affected?

24 A. The department considered the entire election  
25 affected because all of the votes cast within the

16:48 1 system where there was a lack of secrecy may have been  
2 affected. There was no way to quantify or isolate  
3 individual violations of lack of secrecy because the  
4 whole system equaled the definition of not being a  
16:49 5 manner in which a person expressing his choice could be  
6 identified with his choice.

7 Also you have the maybe what, 3,000  
8 members who did not vote, they were aware of the change  
9 vote feature, which could have led them to believe that  
16:49 10 if they voted, their name would be connected with their  
11 vote to allow them that opportunity to go back in and  
12 to change it. So you also have even those people who  
13 didn't participate in the election, some of whom may  
14 have been affected.

16:49 15 Q. There was a lot of discussion about mail  
16 ballot voting. What types of evidence would you expect  
17 to see if there was tampering of mail ballot votes?

18 A. What kind of evidence? Well, first we'd do it  
19 like a chain of custody, interviewing postal officials  
20 if it was a -- an election through the postal service.

21 We would interview observers who were  
22 present at different stages of the process, and we  
23 would do document examinations of the -- the ballots  
24 and the envelopes.

25 If it was done by postal reply mail,